

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
Plaintiff,) CASE NO. CR13-161-JLR
v.)
MARCELINO VILLAVICENCIO,) DETENTION ORDER
Defendant.)

Offenses charged: Conspiracy to Distribute Controlled Substances, Possession of Heroin and Cocaine with Intent to Distribute, Possession of Heroin with Intent to Distribute, and Illegal Reentry after Deportation.

Date of Detention Hearing: May 31, 2013.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

01 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

02 1. Defendant has been charged with a drug offense, the maximum penalty of which
03 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to
04 both dangerousness and flight risk, under 18 U.S.C. § 3142(e).

05 2. Defendant is reportedly a citizen of Mexico.

06 3. The United States alleges that his presence in this country is illegal. There is an
07 immigration detainer pending against him. The issue of detention in this case is therefore
08 essentially moot, as the defendant would be released to immigration custody if not detained in
09 this case.

10 4. Defendant and his counsel offer no opposition to entry of an order of detention.

11 5. Upon advice of counsel, defendant declined to be interviewed by Pretrial
12 Services. Therefore, there is limited information available about him.

13 6. Taken as a whole, the record does not effectively rebut the presumption that no
14 condition or combination of conditions will reasonably assure the appearance of the defendant
15 as required and the safety of the community.

16 It is therefore ORDERED:

- 17 1. Defendant shall be detained pending trial and committed to the custody of the Attorney
18 General for confinement in a correction facility separate, to the extent practicable, from
19 persons awaiting or serving sentences or being held in custody pending appeal;
- 20 2. Defendant shall be afforded reasonable opportunity for private consultation with
21 counsel;
- 22 3. On order of the United States or on request of an attorney for the Government, the

01 person in charge of the corrections facility in which defendant is confined shall deliver
02 the defendant to a United States Marshal for the purpose of an appearance in connection
03 with a court proceeding; and

04 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel
05 for the defendant, to the United States Marshal, and to the United State Pretrial Services
06 Officer.

07 DATED this 31st day of May, 2013.

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09 s/ Dean Brett
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11 United States Magistrate Judge
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